

**STATE OF LOUISIANA
DEPARTMENT OF CIVIL SERVICE
BATON ROUGE, LA.**

June 15, 2009

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**STATE PERSONNEL MANUAL
TRANSMITTAL SHEET
NO. 457**

To: HEADS OF STATE AGENCIES AND PERSONNEL OFFICERS

Subject: Amendments to Rules 1.13, 1.15.1, 1.19.1, 1.21.1(a-e), 1.32, 1.39.2(b)4, 1.39.2(b)7, and adoption of new Rules 1.5.11 and 1.11.1

Issue Date: June 15, 2009

At its regular business meeting on June 3, 2009, the Civil Service Commission approved amendment to Rules 1.13, 1.15.1, 1.19.1, 1.21.1(a) (b) (c) (d) (e), 1.32, 1.39.2(b)4, 1.39.2(b)7 and adopted new Rules 1.5.11 and 1.11.1, with an effective date of June 3, 2009. Explanations for these changes appear in General Circular No. 1761 and General Circular No. 1767.

If you have any questions, please call your Assistance Coordinator at 225-342-8274.

Please make the following changes in your Civil Service Rules:

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Sincerely,

s/Shannon S. Templet
Director

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CHAPTER 1 DEFINITIONS

The following words and phrases when used in these Rules shall have the following meaning ---

- 1.1 'Abandonment of Position' means the desertion by a Classified employee of his position.
- 1.1.1 'Acceptable Rating' means a performance appraisal rating of either "Achieves Results Expected", "Exceeds Results Expected" or "Outstanding".
- 1.1.2 'Action' means a personnel transaction effecting a change to a person's employment or to a position.
- 1.2 'Allocation' means the determination of the job to which a position is deemed to pertain.
- 1.3 Repealed, effective January 1, 1975.
- 1.3.1 'Annual Leave' is leave with pay granted an employee for the purpose of rehabilitation, restoration and maintenance of work efficiency, or transaction of personal affairs.
- 1.4 'Appointing Authority' means the agency, department, board, or commission, and the officers and employees thereof authorized by statute or by lawfully delegated authority to make appointments to positions in the State Service.
- 1.5 'Appointment' means an offer by an appointing authority to a qualified person of employment in a classified position and the acceptance of such offer.
- 1.5.01 'Article' or 'Civil Service Article' means Article X, Part I of the Constitution of the State of Louisiana of 1974, ratified by the electorate of Louisiana.
- 1.5.02 'Base Supplement' means additional pay above the range maximum, when authorized by the Commission and approved by the Governor under limiting factors (e.g., by job titles, geographic areas, organizations, etc.) it deems appropriate when market and employment conditions require such supplement in order to maintain competent and experienced staff, which is treated as a part of base pay.
- 1.5.1 'Bona Fide Student' means a person enrolled in an accredited high school, college or university in the State, or a person enrolled in a State-operated technical college, in a sufficient number of courses and classes in such institution to be classified as a full-time regular student under the criteria used by the institution in which he is enrolled; or a person enrolled in an off-campus college work-study

program in a proprietary institution of higher education as defined in Section 102(b) of the Higher Education Act of 1965, as amended. Less than full time students may be considered for employment as bona fide student employees only for work performed under the Federal Work-Study Program. A bona fide student shall retain his status during breaks, which occur in the course of or between sessions, including summer breaks. In addition, colleges and universities may employ their own full-time and part-time students as bona fide students.

- 1.5.11 'Business Reorganization' is the strategic effort of an appointing authority to structure or redesign the resources of an organizational unit to more efficiently and effectively achieve its mission. For purposes of these rules, business reorganization shall not result in a reduction of the total number of employees in the organizational unit upon implementation.
- 1.5.2 'Career field' means any one of a job series or group of positions considered to have a close occupational relationship and categorized as such by the Department of State Civil Service. A career field shall include a job series, or series of jobs that were created to provide a natural progression. The career field(s) used by an agency in a layoff shall be the career field(s) in the official career field listing as updated through the latest Transmittal Sheet dated before the layoff plan is received by the Department of State Civil Service.
- 1.5.2.01 'Cause' means conduct which impairs the efficient or orderly operation of the public service.
- 1.5.2.1 Repealed effective February 16, 2009.
- 1.5.3 'Change in Position' for the purpose of the performance appraisal rating system, means either a voluntary demotion or the assignment of an employee to another position in the same or a different job with significantly different duties from those of the position he previously held, or the movement of an employee to another position in another agency.
- 1.6 'Class', for the purpose of these Rules, means the same as 'Job'. (See Rule 1.17.1.1)
- 1.6.1 'Classification Plan' means the hierarchical structure of jobs, arranged in pay grades according to job evaluation results.
- 1.7 'Classified Position' means any office or position in the Classified Service.
- 1.8 'Classified Service' is defined as that body of employees performing personal services to and for the State or any of its instrumentalities, except those rendering such services who are specifically exempt from the Classified Service by the Article and these Rules.
- 1.9 'Commission' means the State Civil Service Commission.

- 1.9.01 ‘Commuting Area’ means that geographic area in which employees are subject to competition for a layoff. It shall encompass either: 1) the parish of the abolished position(s), or 2) an expanded area which will be defined by the agency and will consist of the parish of the abolished position(s) plus one or more parishes bordering the parish of the abolished position(s).
- 1.9.01.1 ‘Compensation’ means any salary, wages, fees, special pay considerations, or any other cash payment directly to an employee as a result of service rendered in any position. It shall not include reimbursement for travel incurred in the performance of official duties nor the authorized assignments on utilization of automobiles, houses or other movable property of the state or other governmental entity.
- 1.9.1 ‘Continuing Position’ means an office or position of employment in the Classified Service which reasonably can be expected to continue for more than twelve months.
- 1.10 ‘Continuous State Service’ means continuous employment in a classified position. Such service includes any authorized leave of absence; a separation by layoff of not more than one year when reemployment is from a department preferred reemployment list; separation without a break in service of one or more working days; or separation for active military service in the armed forces of the United States where reemployment is in accordance with the provisions of Civil Service Rule 23.15.
- 1.11 ‘Demotion’ means a change of a permanent or probationary employee from a position in one job to a position in another job which is assigned to a pay grade with a lower maximum.
- ***
- 1.11.1 ‘Demotion in lieu of layoff’ describes the movement of an employee to a new position, created with a lower maximum pay range, as the result of a drastic change in duties of an occupied position. Employees demoted in lieu of layoff are eligible for the Department Preferred Reemployment List for a period of two years.
- 1.12 ‘Department’ means any legally constituted agency, board or commission whose employees are in the ‘State Service’ as defined by the Article.
- 1.13 ‘Department Preferred Reemployment List’ means a list of permanent employees who have been laid off or relocated downward in accordance with Chapter 17, or permanent employees who have been reallocated downward as a result of a business reorganization in accordance with Rule 5.6.1. Employees on such a list are given preferential hiring rights in the department or agency affected by a layoff.
- 1.13.01 ‘Designated Holiday’ means a holiday or part of a holiday an employee observes, in lieu of a regular holiday observed by his agency, because the regular holiday or a portion thereof, fell on the employee’s regular day off.

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- 1.13.1 'Detail to Special Duty' means the temporary assignment of an employee to perform the duties and responsibilities of a position other than the one to which he is regularly assigned, without prejudice to his rights in and to his regular position.
- 1.14 'Director' means the Director of the Department of Civil Service.
- 1.14.01 'Dismissal' means the separation from employment for disciplinary reasons.
- 1.14.1.1 'Dual Career Ladder' means a set of one or more non-supervisory jobs in a job series which receives higher pay than traditional non-supervisory jobs because they require performance of higher level, more complex duties and possession of advanced, specialized skills. The purpose of the dual career ladder is to provide another route of advancement for employees as an alternative to promotion to supervisory or managerial positions.
- 1.14.1 'Discrimination' means consideration of religious or political beliefs, sex, race, or any other non-merit factors.
- 1.14.2 'Efficiency Rating' means the official overall rating assigned to an employee in accordance with Chapter 10 of these rules.
- 1.15 Repealed effective February 16, 2009.
- 1.15.01 'Employee' for the purpose of these rules, does not include any employee of a temporary staffing services firm on contract with the State.
- 1.15.1 "Employee Affected by a Layoff" means one who has experienced separation or relocation as a consequence of a layoff.
- 1.15.1.1 'Exempt' is a term referring to those groups of employees that are exempt from the overtime provisions of the Fair Labor Standards Act.
- 1.15.1.2 'Flexible Qualifications' are qualification standards established by the Director and included on the job specification that appointing authorities are expected to use in the same manner as Minimum Qualifications for most appointments but which may be adjusted in circumstances where the appointing authority can justify it by documenting a rational business reason, such as having no applicants who meet the Flexible Qualifications stated on the job specification.
- 1.15.2 'Furlough' means a period of leave without pay required of employees by an appointing authority in order to avoid a layoff.
- 1.15.2.1 'General Increase' means an across the board wage and salary increase designed to bring pay in line with increases in the cost of living.

- 1.15.2.2 'Hiring Rate' means the beginning rate at which persons are hired into a job.
- 1.15.2.3 'Individual Pay Rate' means the rate of pay assigned to a given individual. Individual pay rates may vary on the same job as a function of base supplement, of service in grade, performance or some other basis for establishing variation.
- 1.15.3 Repealed, effective May 8, 1996.
- 1.16 Repealed, effective September 7, 1982.
- 1.17 Repealed, effective March 15, 1966.
- 1.17.1 Repealed, effective January 1, 1975.
- 1.17.1.1 'Job' means a homogeneous cluster of work tasks. Taken as a whole, the collection of tasks, duties and responsibilities constitutes the assignment for one or more individuals whose work is the same nature and which is performed at the same skill/responsibility level. This definition, for the purpose of these Rules, means the same as 'Class' (See Rule 1.6).
- 1.17.2 'Job Analysis' means a comprehensive, systematic breakdown that identifies the relevant components in a particular job through a detailed description of the work behaviors and tasks performed.
- 1.18 'Job Appointment' is a non-permanent appointment of an employee to fill a position in the classified service for a limited period of time.
- 1.18.1 'Job Evaluation' means a formal process which determines the relative value to be placed on various jobs within the organization.
- 1.18.2 'Job Specification' means a summary of the most important features of a job including the general nature of the work performed, specific task responsibilities, and employee characteristics (including skills) required to perform the job. A job specification focuses on the job itself and not any specific individual who might fill the job.
- 1.18.01 'Job Correction' means the change in the allocation of a position as a result of revisions to the job specifications and/or the allocation criteria.
- 1.19 'Layoff' means the separation of an employee from a position because of a lack of work or a lack of funds or the abolition of a position.
- 1.19.1 'Layoff Avoidance Measures' means actions taken by an appointing authority and approved by the Director and/or the Commission to help prevent a layoff. These include: not granting merit increases, granting reduced merit increases, reductions in work hours, furloughs and retirement incentives. Another measure, one not needing Civil Service approval, is the required use of leave during agency closures as stated in Rule 17.10.
- 1.20 'Leave of Absence Without Pay' means time off from work without pay granted by an appointing authority or imposed by an appointing authority for an unapproved absence.

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- 1.20.001 'Market Grade Job' means a job that is assigned a grade having a pay range more appropriate to the market rate for that job than the range assigned its evaluated grade.
- 1.20.002 'Merit Increase' means an adjustment to individual pay rate based on performance, or some other individual equity basis.
- 1.20.01 'Military Purposes' means the performance of continuous and uninterrupted military duty on a voluntary or involuntary basis and includes active duty, active duty for training, initial active duty for training, full-time National Guard duty, annual training and inactive duty for training (weekend drills).
- 1.20.02 Repealed, effective May 8, 1996.
- 1.20.03 Repealed, effective May 8, 1996.
- 1.20.04 'Minimum' means the interim minimum of a pay range, as stipulated in Chapter 19 until such minimum no longer exists.
- 1.20.05 'Minimum Qualifications' are minimum requirements established by the Director and included on the job specification necessary for appointment to a classified job unless specifically waived elsewhere in these rules.
- 1.20.1 REPEALED - EFFECTIVE JULY 12, 2000
- 1.20.1.1 'New Employee,' only for purposes of the performance planning and review system, means any employee who receives a new anniversary date upon entering or reentering the classified service.
- 1.20.2 'Official Domicile' means the following:
- a) The official domicile of an officer or employee assigned to an office, exclusive of temporary assignments, shall be the city in which the office is located.
 - b) The official domicile of a person located in the field shall be the city or town nearest to the area where the majority of work is performed, or such city, town, or area as may be designated by the department head, provided that in all cases such designation must be in the best interests of the agency and not for the convenience of the employee.
- 1.20.3 'Official Holiday' means either the employee's actual or designated holiday, whichever is selected by the appointing authority for overtime compensation purposes.
- 1.21 'Organization Unit' means any administrative agency or part thereof that is designated by rule or regulation hereunder as a unit for purposes of administering these Rules.

- 1.21.1 'Organizational Unit' for the purposes of layoff and layoff avoidance measures means the area subject to a layoff or layoff avoidance measure, as approved by the Director. It shall normally be one of the following:
- (a) One of the state Departments authorized in the Constitution.
 - (b) An office headed by a secretary, assistant secretary, or undersecretary, or an office established by law and headed by a comparable official having appointing authority over that office.
 - (c) An institution with an appointing authority and supporting services such as a hospital or school.
 - (d) A separate state agency or one that is housed in a department but has a separate appointing authority, separate identity, a distinct mission and powers granted by statute. Such agencies include those transferred under statute, each of which continues to exercise all of the powers, duties, functions and responsibilities authorized by the Constitution or laws. The functions of such agencies are exercised independently of the secretary and any assistant secretary.
 - (e) A program, activity or unit within a state department, office or institution.
- 1.22 'Original Appointment' means appointment of a person to a classified position by probationary or job appointment.
- 1.23 Repealed, effective June 29, 1987.
- 1.24 'Pay Plan' means a schedule of pay rates or ranges and a list showing the assignment of each job in the job evaluation plan to one of the rates or ranges and includes rules of administration.
- 1.24.001 'Pay Range' means the range of pay rates from minimum to maximum set for a pay grade.
- 1.24.002 'Pay Structure' means the organization of pay grades and ranges established for jobs within the classified service.
- 1.24.003 'Pay Structure Adjustment' means a change in the range minimums and maximums for all grades. The purpose is to maintain a general competitive level with the market for recruitment purposes and is generally accomplished without increases to individual pay rates.
- 1.24.01 'Performance Appraisal Rating' means the overall rating of an employee, made in accordance with the performance appraisal system established by these Rules.
- 1.24.02 'Performance Standard' means a statement or description of observable conditions that define the levels of performance for each major task or duty area.
- 1.24.03 'Personnel Action' means a personnel transaction effecting a change to a person's employment or to a position.
- 1.24.1 'Political Activity' means an effort to support or oppose the election of a candidate for political office or to support or oppose a particular party in an election.

20.6.2

- 1.25 'Position' means any office and any employment in the Classified Service. 'Position' for job evaluation and pay purposes means a collection of duties and responsibilities assigned to an individual employee. Multiple positions may constitute a job.
- 1.25.01 'Position Change' for the purposes of types of appointment means the movement of a classified employee from one position number to another position number with the same job title.
- 1.25.1 'Preference Employee' is an employee who on the effective date of his/her transfer pursuant to Rule 24.1 would be entitled to veteran's preference in accordance with Rule 22.7 as if he/she was applying for original appointment on that effective date.
- 1.25.2 Repealed, effective July 2, 1986.
- 1.26 'Probationary Appointment' means appointment of a person to serve a working test period in a position.
- 1.26.1 'Progress Review' means a scheduled meeting between an employee and his supervisor in which they discuss the employee's accomplishments and possible problems in the area of performance (e.g., performance standards), and in which performance criteria is reviewed and revised if necessary.
- 1.27 'Promotion' means a change of a permanent employee from a position in one job to a position in another job which is assigned to a pay grade with a higher maximum.
- 1.28 'Promotional List' means a list, established in conformity with these Rules, of permanent employees who have demonstrated their fitness for a position of a higher grade by successfully passing an examination for such higher job position and are eligible for promotion within the same department or transfer and promotion from another department.
- 1.29 Repealed effective February 16, 2009.
- 1.30 'Public Hearing' means a hearing held after public notice of at least 24 hours, at which any person may have a reasonable opportunity to be heard, in accordance with such rules and regulations as may be adopted by the Commission.
- 1.31 Repealed, effective March 15, 1966.
- 1.32 'Reallocation' means a change in the allocation of a position from one job to another.
- 1.33 'Reassignment' means the change within the same department of a probationary or permanent employee from a position in one job to another position in a different job, both jobs of which have the same maximum rate of pay.
- 1.33.01 'Red Circle Rate' means an individual pay rate, excluding those that fall within the base supplement authorized for a position, that is above the maximum of a pay range for a grade; or, only under conditions as specified in Rule 6.15(d), an individual pay rate that is above the base supplement authorized for a position.
- 1.33.02 'Reduction in Pay' means an action taken for disciplinary reasons whereby an employee's individual pay rate is reduced but the employee remains in the same job.

- 1.33.1 'Reemployment' means the noncompetitive appointment of a person based on permanent status attained in former employment in the Classified Service.
- 1.34 'Regular or Permanent Appointment' means the status attained by a classified employee upon the successful completion of his probationary period.
- 1.35 Repealed, effective March 15, 1966.
- 1.36 'Reinstatement' means the restoration of an employee to pay and duty status with all benefits of employment.
- 1.37 'Removal' means the separation from employment for non- disciplinary reasons as provided in Rule 12.6.
- 1.37.1 'Reserve Component'- Consists of members of the National Guard and Reserves of all Branches, officers and enlisted personnel, who perform active duty, active duty for training or inactive training duty.
- 1.38 'Resignation' means the separation from employment at the employee's request.
- 1.38.1 'Restricted Appointment' means a temporary appointment or combination of temporary appointments not to exceed a cumulative total of six months in a calendar year for a person.
- 1.38.2 'Retitle' occurs when the revision in the job specifications results in a change in the job title.
- 1.38.3 'Selective Certification' means a special job-related qualification standard that is approved by the Director for a specific position number and consists of a narrowing of or addition to the established Minimum Qualifications but in no way reduces the Minimum Qualifications, i.e., an applicant must meet both the Minimum Qualifications and the Selective Certification to be appointed.
- 1.39 'Service Rating' means the individual rating of an employee, made in accordance with the service rating system established by these Rules.
- 1.39.01 'Shift Differentials' means extra pay allowances made to employees who work nonstandard hours.
- 1.39.1 'Sick Leave' is leave with pay granted an employee who is suffering with a disability which prevents him from performing his usual duties and responsibilities or who requires medical, dental, or optical consultation or treatment.
- 1.39.101 'Special Provisional Appointment' means a temporary appointment under the provisions of Rule 24.2 to allow employees subject to acquisition up to two years to complete the processes required for probationary appointment. Employees appointed under this provision earn leave according to Chapter 11 of these rules.
- 1.39.2 'State Service' for the purposes of layoff and layoff avoidance measures, means the total length of Classified State Service in the equivalent full-time years, months and days as an employee of a state agency or agencies subject to the following:
 - (a) Periods of time not counted as Classified State Service under this definition for the purposes of layoff and layoff avoidance shall be:
 - 1. All leave without pay not expressly authorized in Subsection (b)9 of this Rule.

20.6.4

2. State service earned before retirement in any state retirement system by an employee who is rehired into state service after such retirement.
 3. Unclassified State Service acquired after January 1, 1983, subject to the provisions of Subsection (b) of this Rule.
 4. Classified State Service obtained after January 1, 1983, on a restricted or provisional appointment if such an appointment was not converted to a probational or job appointment.
 5. Classified or Unclassified State Service on a part-time intermittent (i.e., when actually employed -WAE) appointment, if such service was acquired after January 1, 1983.
- (b) Periods of time counted as Classified State Service under this definition for the purpose of layoff or layoff avoidance measures are the following, which are all subject to Rule 1.39.2(a)2:
1. All time spent on any type of Classified and/or Unclassified appointment prior to January 1, 1983.
 2. Classified State Service obtained after January 1, 1983, on probational, job and permanent appointments and on restricted or provisional appointments that were converted to probational or job appointments, subject to the provisions of Subsection (a) 5 of this Rule.
 3. Absence from State Service of not more than one year as the result of a layoff of an employee with permanent status.
 4. Any military service that interrupts Classified employment, including military service consisting of active duty in the armed forces of the United States for not more than six years of voluntary service or an indefinite period of involuntary service, subject to the provisions of Rule 17.17. ***
 5. Separations of not more than thirty days from the Classified State Service, except that no breaks between emergency and/or restricted and/or multiple restricted appointments count.
 6. Unclassified State Service acquired by an unclassified employee relative to his being brought into the Classified Service under Rule 24.2.
 7. Periods of time that the layoff avoidance measures stated in Chapter 17 Rules are in effect for full-time employees shall count as full-time employment.